

RECEIVED  
CENTRAL FAX CENTER

JAN 12 2006

Law Office of Mark J. Spolyar

*Counselor and Attorney in Intellectual Property and Technology Law Matters*

38 Fountain St.  
San Francisco, CA 94114

mark@spolyar-iplaw.com  
415.826.7966 (v)  
415.480.1780 (f)

FACSIMILE TRANSMISSION

Date: January 12, 2006

To: United States Patent & Trademark Office

Fax: 571-273-8300

From: Mark Spolyar

Number of Pages (including cover sheet): 4

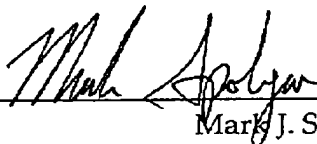
RE: **Transmission of Petition for Revival of an Application**  
**U.S. Serial No. 09/710,442 filed November 10, 2000**

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

Facsimile Number: 571-273-8300

Date: January 12, 2005

I hereby certify that this correspondence, and the papers referred to herein, are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated above.

  
\_\_\_\_\_  
Mark J. Spolyar  
Reg. No. 42164

Papers Included Herewith:

1. Fax Cover Sheet (1 page);
2. Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (1 page); and
3. Credit Card Payment Form (1 page)

JAN 12 2006

PTO/SB/64 (07-05)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
6533/53848

First named inventor: Krautkremer, Todd Joseph

Application No.: 09/710,442

Art Unit: 2665

Filed: 11/10/2000

Examiner: Jason E. Mattis

Title: Application Service Level Mediation and Method of Using the Same

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**
☐ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)).
**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Continuation Application, Serial No. 11/286,021 filed 11/23/2005

(identify type of reply):

☒ has been filed previously on 11/23/2005  
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_ 01/13/2006 TL0111 00000031 09710442

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

01 FC:1453

1500.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**BEST AVAILABLE COPY**

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

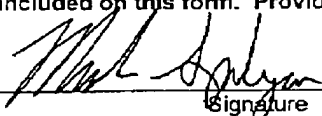
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

January 12, 2006  
Date

Mark James Spolyar  
Typed or printed name

42164  
Registration Number, if applicable

38 Fountain Street  
Address

415-826-7966  
Telephone Number

San Francisco, CA 94114  
Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

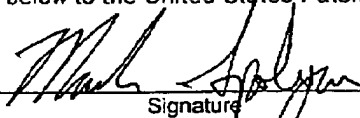
## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

January 12, 2006  
Date

  
Signature

Mark James Spolyar  
Typed or printed name of person signing certificate

[Page 2 of 2]